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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,040	11/17/2003	Donald A. Groskreutz	20607.00	1144
37833	7590	02/23/2006	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,040

Applicant(s)

GROSKREUTZ, DONALD A.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Application

1. Applicant's amendment, filed Nov. 30, 2005, has been entered in the application. Claims 1 and 3-12 are pending, claim 2 having been canceled.

Claim Objections

2. Claim 1 is objected to for the following informality: in the amendment to line 10, it appears as though "design" should be - -designed- -.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The pertinent portions of 35 USC § 103 relied upon herein may be found cited in a previous office action
4. Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoll (US 5,791,667, cited previously) in view of Calender (US 6,386,560, cited previously) and Edhardt (US 2,660,446, also cited previously).

Knoll teaches a single-wheeled device for moving items including a handle stand having an H-shape (10, 22 and 41, 43 - forming the cross member of the "H") which have substantially perpendicularly extending handles (20, note plan view, figure 2) and which assemblies are perpendicularly connected to a flat rectangular body (32, 34) having at least a raised perimeter (34, 41) and a further body portion (37) forming an upstanding rim there-around, the handle assembly including a pair of feet (23) for engaging a ground portion, the feet being located closer to a user than the wheels, the handles including diagonal support elements (25) connected between the handles and handle stand; a wheel positioned at the distal end of the body (18) for facilitating movement thereof, wherein objects may be placed as desired by a user. The reference to Knoll fails to teach the provision of slings connected to the handle portions. Calender teaches a cart which may be used with a sling element (46) which may be connected between two handle portions (32, 34 at 38, 40), wherein the sling is designed and constructed for the accommodation of an awkward load. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Knoll with

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a sling as taught by Calender, connectable between the handles thereof, for the purpose of accommodating a load which does not easily fit in the body portion of the cart. As regards the provision of a plurality of slings, it is well held that the duplication of parts for the purpose of enhancing or multiplying the function of that part is well within the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a pair of slings in order to accommodate a taller or more bulky load. The reference to Knoll as modified by Calender fails to teach a cowl provided around and above the wheel, but not in front of the wheel. Edhardt teaches a single wheeled cart having a cowl (3, 4, 6, etc.) which extends to the sides and above a single wheel (1) but not in the front of the wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a cowl as taught by Edhardt to cover the wheel of the cart taught by Knoll as modified by Calender for the purpose of preventing loose items from getting snarled around the wheel when the cart is in use.

As regards claims 7 and 8, the reference to Calender, relied upon for the teaching of a sling, fails to specifically teach the material of the sling. Both cloth and nylon are very well known fabric constituents, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the sling portion taught by the modifying reference to Calender from a cloth or nylon material for the purpose of utilizing a material which is commonly available in stock widths and lengths, and thus reducing the manufacturing costs of the sling element.

As regards claims 9 and 10, the reference of Knoll as modified by Calender and Edhardt fails to teach the material of the wheel as being rubber and the body, handle and cowl being made from steel, however rubber is a very old and well known wheel material, and steel is a very old and well known structural material, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the wheel from a rubber for the purpose of allowing movement of the cart without damage to the surface it traverses, and to make the body, handle and cowl from steel for the purpose of providing a material which presents a high strength-to-weight ratio.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoll in view of Calender, Edhardt and Morris (US 5,242,177, cited previously). The references to Knoll, Calender and Edhardt are discussed above and fail to teach the provision of a pair of horizontal bars placed in front of the rectangular body, adjacent to the wheel region (modified by Edhardt to include a cowl) for accommodating heavy items. Morris teaches an attachment for single-wheeled carts wherein a pair of horizontal bars (90) are connected (through 55, 60; 51, etc) adjacent to a wheel and at a front end of a frame structure (e.g., 10). It would have been obvious to provide the cart of Knoll as modified by Calender and Edhardt with a load accommodating pair of bars as taught by Morris, for the purpose of allowing the cart to be used to accommodate loads which will not fit in the rectangular body portion.

Allowable Subject Matter

6. Claim 12 is objected as being dependent from a rejected base claim(s), but would be allowable if re-written in independent form, to include all limitations of the base claim and any intervening claims.

Response to Comments

7. Applicant's comments, directed to the previously applied references and the amended claims, have been carefully considered. The examiner agrees that the previously applied references do not meet the claim limitations as now amended. Note, however, the references to Knoll and Calender, both of which were previously cited in the course of prosecution, and both of which are now applied in direct response to the amendment.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

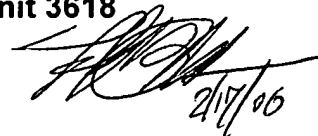
A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
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2/17/06